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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,364	04/17/2000	Adam J. Simonoff	79260	1495
23501	7590	06/15/2005		
NAVAL SURFACE WARFARE CENTER, DAHLGREN DIVISION OFFICE OF COUNSEL, CODE XDC1 17320 DAHLGREN ROAD DAHLGREN, VA 22448-5110			EXAMINER POLLACK, MELVIN H	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/551,364	<b>Applicant(s)</b> SIMONOFF, ADAM J.	
	<b>Examiner</b> Melvin H. Pollack	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 85-112 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 85-112 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> .       |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 25 February 2005 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-84 have been considered but are moot in view of the new ground(s) of rejection.
3. Claims 1-84 have been cancelled, and claims 85-112 have been added. As a result, the scope of the claims have changed.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 85-112 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 85-112 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the method of determining which whiteboard has been

Art Unit: 2145

there for the longest period of time, and more specifically in regards to determining which whiteboard has the highest privilege level. Not only is it unclear which determining step goes first and which step goes second, it is also unclear whether the determining step occurs immediately after or for a subsequent period of time after detecting the new whiteboard client, and it is further unclear in regards to the time difference between the determining, receiving, and transmitting steps. It is also unclear whether and in what proportions other clients and/or the server provide to the new whiteboard client, since the language of “receiving... one or more objects presented by the whiteboard” indicates that the oldest client transmits only a portion of the whiteboard, and therefore other clients perform the updating process. Clarification of these issues is necessary. Furthermore, while the claims state “transmitting each of the received objects having a privilege level that is less than or equal to the determined privilege level,” it is unclear as to whether objects greater than the privilege level are also transmitted, and further whether the client or the whiteboard server makes this determination.

7. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “vector” in claim 91 is used by the claim to mean “user preferences”, while the accepted meaning is “a one-dimensional array.” The term is indefinite because the specification does not clearly redefine the term. The applicant must clarify this issue and/or better explain how the vector is used.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 85, 92, 96, 97, 99, 103, 104, 106, 110, 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harple Jr et al. (5,724,508).

10. For claims 85, 89, 90, 92, 99, and 106, Harple teaches a method (abstract) for adding a new whiteboard client to an existing whiteboard session (col. 3, line 15 – col. 4, line 60) including a plurality of whiteboard clients (col. 5, lines 15-65; col. 11, lines 10-30) where each of the whiteboard clients presents a plurality of whiteboard objects using a whiteboard (col. 1, line 1 – col. 2, line 50), the method comprising:

- a. Detecting the new whiteboard client to be added to the existing whiteboard session (Fig. 5, #480);
- b. Determining a whiteboard client from the plurality of whiteboard clients in the existing whiteboard session that acts as a session initiator (col. 4, lines 1-20, via conference manager);
- c. Receiving from the determined whiteboard client one or more objects presented by the whiteboard of the determined whiteboard client (col. 4, lines 20-40, via “greeting”); and
- d. Transmitting the received objects to the new whiteboard client for presentation by the whiteboard of the new whiteboard client (Fig. 5, #482).

Art Unit: 2145

11. Harple does not expressly disclose determining the client that has been part of the session for the longest period of time. Examiner takes Official Notice (see MPEP § 2144.03) that “the session initiator/manager fulfills the definition of oldest client” in a computer networking environment was well known in the art at the time the invention was made. At the time the invention was made, one of ordinary skill in the art would have determined that there is no circumstances to which a client other than the initiator may be considered the oldest, and would have added this fact in order to allow for a more thorough distributed state machine (col. 3, lines 35-40).

12. For claims 89, 96, 103, and 110, Harple teaches that transmitting the received objects includes receiving a command to stop transmitting the received objects (col. 4, lines 49-60; “dead state” for client).

13. For claims 90, 97, 104, and 111, Harple teaches excluding the new client from the existing whiteboard session (col. 4, lines 38-45).

14. Claims 86, 88, 91, 93, 95, 98, 100, 102, 105, 107, 109, and 112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harple as applied to claims 85, 92, 99, and 106 above, and further in view of Cole et al. (6,359,711).

15. For claims 86, 93, 100, and 107, Harple does not expressly disclose determining a predetermined privilege level associated with the whiteboard clients. Cole teaches a method (abstract) of distributed computing (col. 1, line 1 – col. 3, line 25) and applications (col. 9, lines 15-25) such as whiteboarding (col. 9, line 50 – col. 10, line 25), in which the clients have a variety of privilege levels (col. 6, lines 10-30). At the time the invention was made, one of

Art Unit: 2145

ordinary skill in the art would have used privilege levels to users in order to access certain documents while away from the main computer (col. 1, lines 40-50).

16. For claims 88, 95, 102, and 109, Harple does not expressly disclose transmitting each of the received objects having a privilege level that is less than or equal to the determined privilege level. Cole teaches these limitations (Figs. 4G-4I in view of Fig. 2, #112). At the time the invention was made, one of ordinary skill in the art would have used Cole's privilege level in order to allow Harple's users to restrict work areas (col. 1, line 65 col. 2, line 45).

17. For claims 91, 98, 105, and 112, Harple does not expressly disclose receiving one or more objects that are determined using a vector of the determined client including one or more wrapper objects corresponding to the objects presented by the whiteboard of the determined whiteboard client. Cole teaches the vector limitation (col. 6, lines 20-30; user preferences) and the wrapper object limitation (Fig. 3; col. 8, line 30 – col. 4, line 10; objects). At the time the invention was made, one of ordinary skill in the art would have added Cole vectors and objects to Harple in order to allow users to view the same information while being mobile (col. 3, lines 50-55).

18. Claims 87, 94, 101, and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harple and Cole as applied to claims 86, 93, 100, and 107 above, and further in view of Schneider et al. (6,408,336).

19. For claims 87, 94, 101, and 108, Harple and Cole do not expressly disclose that the determining step includes determining the whiteboard client from the plurality of whiteboard clients that has been part of the whiteboard session the longest period of time and has the highest

Art Unit: 2145

privilege level of the plurality of whiteboard clients relative to the new whiteboard client.

Schneider teaches a method (abstract) of handling data access control through privilege levels in a distributed environment (col. 1, line 1 – col. 7, line 35) that performs the determining step (Figs. 6 and 6; col. 18, line 60 – col. 22, line 63). At the time the invention was made, one of ordinary skill in the art would have added the determining step to provide security to information (col. 5, lines 5 – 20).

### ***Conclusion***

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

21. Art of Clients providing information to other clients: Carleton et al. (5,649,104)

22. Art of user preferences in collaborative environments: Rothrock (5,748,618), Hayes, Jr. (6,105,063).

23. Information Filtering in collaborative environments: Lang et al. (5,867,799), Lin et al. (6,052,785), Curtis et al. (6,560,707), Sikkell article.

24. Background on Collaborative Systems: Mattaway (6,728,784), Aldred et al. (5,649,105), Tatham et al. (6,223,177), Salas et al. (6,233,600), Hu article, Chang article, Dutta-Roy article.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H. Pollack whose telephone number is (571) 272-3887.

The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2145

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP  
20 May 2005

  
VALENCIA MARTIN-WALLACE  
ADVISORY PATENT EXAMINER